

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

Roger A. Sevigny, the Commissioner of Insurance of the
State of New Hampshire, as Liquidator of
The Home Insurance Company,

Plaintiff,

– against –

Trygvesta Forsikring A/S

Defendant.

Case No. 16 Civ. 4874(NRB)(HBP)

**AMENDED PHASE
ONE CIVIL CASE
DISCOVERY PLAN
AND SCHEDULING
ORDER**

Tryg Forsikring A/S,

Counterclaim Plaintiff,

– against –

Roger A. Sevigny, the Commissioner of Insurance of the
State of New Hampshire, as Liquidator of
The Home Insurance Company,

Counterclaim Defendant.

USDC SDNY
DOCUMENT
ELECTRONICALLY FILED
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DATE FILED: 04/09/2018

Trygvesta Forsikring A/S,

Defendant, Counterclaim Plaintiff
and Third-Party Plaintiff,

– against –

Cerberus Holding Company, LLC,

Third-Party Defendant.

This Amended Phase One Civil Case Discovery Plan and Scheduling Order is adopted, after consultation with counsel and pursuant to the September 18, 2017 Stipulation And Order (the “Standstill Agreement”) so ordered by this Court on September 26, 2017:

1. Initial disclosures pursuant to Fed. R. Civ. P. 26(a)(1) shall be completed by April 11, 2018.
2. Fact Discovery
 - a. Initial requests for production of documents relating to the “Phase One” issues as defined in paragraph 10(a)-(b) of the Standstill Agreement shall be served by April 18, 2018.
 - b. Interrogatories other than contention interrogatories shall be served by April 18, 2018. Contention interrogatories may be served pursuant to Local Civil Rule 33.3. Any other interrogatories may be served only upon agreement of the parties or order of the Court.
 - c. Non-expert depositions shall be completed by July 6, 2018.
 - d. Requests to admit shall be served by August 3, 2018. Pursuant to Fed. R. Civ. P. 36(a)(3), the Parties stipulate to extend the time to provide responses to Requests until September 14, 2018.
 - e. All fact discovery shall be completed by September 28, 2018.
 - f. Any of the interim deadlines in paragraphs 2(a) through 2(d) may be extended by the written consent of all parties without application to the Court, provided that all fact discovery is completed by the date set forth in paragraph 2(e).
3. Expert Discovery (if necessary)


All expert discovery, including disclosures, reports, production of underlying documents, and including expert depositions, shall be completed by November 12, 2018.
4. **ALL DISCOVERY SHALL BE COMPLETED BY November 30, 2018.**
5. By December 21, 2018, the Parties shall agree to and provide the Court with a proposed schedule for dispositive motions relating to the “Phase One” issues as defined in paragraph 10(a)-(b) of the Standstill Agreement.
6. Unless otherwise ordered by the Court, within 30 days after the Court has ruled on the Parties’ dispositive motions, the parties shall submit to the Court for its approval a Joint Pretrial Order prepared in accordance with the Court’s Individual Practices. The parties shall also comply with the Court’s Individual Practices with respect to the filing of other required pretrial documents.

7. The parties have conferred and their present best estimate of the length of the trial is 5 days.
8. Within 30 days after the date the Court makes a determination and final order with regard to the "Phase One" issues as defined in paragraph 10(a)-(b) of the Standstill Agreement, if the parties cannot resolve those claims without Court assistance, then the Parties are to provide a proposed Scheduling Order for a Phase Two trial that may be required to adjudicate those claims.
9. This Amended Phase One Civil Case Discovery Plan and Scheduling Order may not be modified or the dates herein extended without leave of the Court or the assigned Magistrate Judge acting under a specific order of reference (except as provided herein) *The parties should proceed on the premise that no extensions will be granted given the age of this case. NRB*
10. If, after the entry of this Order, the parties consent to trial before a Magistrate Judge, the Magistrate Judge will schedule a date certain for trial and will, if necessary, amend this Order consistent therewith.
11. *parties will report to The Court in writing every sixty (60)*
The ~~next~~ case management conference is scheduled for _____ at _____
(The Court will set this date at the initial conference.)
days on the progress of discovery.

Dated:

April 9, 2018
New York, NY

SO ORDERED:


Naomi Reice Buchwald
United States District Judge